

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRANK M. BARREPSKI, JR. and CARRIE)
M. BARREPSKI,)
Plaintiffs)
v.) Civil Action No. 11-30160-NMG
CAPITAL ONE BANK (U.S.A.) N.A. and)
EXPERIAN INFORMATION SYSTEMS, INC.,)
Defendants)

REPORT AND RECOMMENDATION WITH REGARD
TO CROSS-MOTIONS FOR SUMMARY JUDGMENT

(Document Nos. 60 and 72)

January 24, 2014

NEIMAN, U.S.M.J.

Presently before the court are cross-motions for summary judgment filed by Experian Information Systems, Inc. ("Experian" or "Defendant") and Frank and Carrie Barrepski (together "Plaintiffs"). The issues contested by the parties are whether Plaintiffs have established a prima facie case for a violation of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681i, the types of damages available to them, and whether their cause of action for defamation is preempted.

The motions have been referred to this court for a report and recommendation. See 28 U.S.C. § 636(b)(1)(B) and FED. R. CIV. P. 72(b). For the reasons which follow, the court will recommend that Defendant's motion for summary judgment be allowed and that Plaintiffs' motion be denied.

I. BACKGROUND

After consideration of plaintiff's objection thereto (Docket No. 107), Report and Recommendation is accepted and adopted.

Sign. Gorton, USDJ 3/7/14